

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x :
AURELIUS CAPITAL PARTNERS, LP :
and AURELIUS CAPITAL MASTER, LTD., :
 : No. 07 Civ. 2715 (TPG)
Plaintiffs, :
 :
- against - :
 :

THE REPUBLIC OF ARGENTINA, :
 :
Defendant. :

-----x :
AURELIUS CAPITAL PARTNERS, LP :
and AURELIUS CAPITAL MASTER, LTD., :
 : No. 07 Civ. 11327 (TPG)
Plaintiffs, :
 :
- against - :
 :

THE REPUBLIC OF ARGENTINA, :
 :
Defendant. :

-----x :
BLUE ANGEL CAPITAL I LLC, :
 :
Plaintiff, : No. 07 Civ. 2693 (TPG)
 :
- against - :
 :

THE REPUBLIC OF ARGENTINA, :
 :
Defendant. :

-----x : *(Captions continue on following pages)*

**DECLARATION OF ERIC J. FINKELSTEIN IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL PRODUCTION FROM
DEFENDANT AND NON-PARTY BANKS
AND IN OPPOSITION TO DEFENDANT'S MOTION FOR A
PROTECTIVE ORDER AND TO QUASH**

-----X :	
AURELIUS CAPITAL MASTER, LTD. and	:
ACP MASTER, LTD.,	:
	:
Plaintiffs,	No. 09 Civ. 8757 (TPG)
	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:

-----X :	
AURELIUS CAPITAL MASTER, LTD. and	:
ACP MASTER, LTD.,	:
	:
Plaintiffs,	No. 09 Civ. 10620 (TPG)
	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:

-----X :
AURELIUS OPPORTUNITIES FUND II, LLC :
and AURELIUS CAPITAL MASTER, LTD., :
 : No. 10 Civ. 1602 (TPG)
Plaintiffs, :
 :
- against - :
 :
THE REPUBLIC OF ARGENTINA, :
 :
Defendant. :

-----X :	
AURELIUS OPPORTUNITIES FUND II, LLC	:
and AURELIUS CAPITAL MASTER, LTD.,	:
	: No. 10 Civ. 3507 (TPG)
Plaintiffs,	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X :	
AURELIUS CAPITAL MASTER, LTD. and	:
AURELIUS OPPORTUNITIES FUND II, LLC,	:
	: No. 10 Civ. 3970 (TPG)
Plaintiffs,	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X :	
BLUE ANGEL CAPITAL I LLC,	:
	:
Plaintiff,	: No. 10 Civ. 4101 (TPG)
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X :	

-----X:	
BLUE ANGEL CAPITAL I LLC,	:
	:
Plaintiff,	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
	:
-----X:	
AURELIUS CAPITAL MASTER, LTD. and	:
AURELIUS OPPORTUNITIES FUND II, LLC,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X:	

I, Eric J. Finkelstein, declare as follows:

1. I am an associate in the law firm of Friedman Kaplan Seiler & Adelman LLP, counsel to Plaintiffs Aurelius Capital Partners, LP, Aurelius Capital Master, Ltd., ACP Master, Ltd., Aurelius Opportunities Fund II, LLC and Blue Angel Capital I LLC (collectively "Plaintiffs"). I make this Declaration to put before this Court certain documents related to Plaintiffs' Motion to Compel Production from Defendant and Non-Party Banks and in opposition to Defendant's Motion for a Protective Order and to Quash. The attached documents were assembled either by me or by persons working at my direction.

2. Attached to this Declaration as Exhibits 1-94 are true and correct copies of the following documents:

- | <u>Ex.</u> | <u>Document</u> |
|------------|--|
| 1 | December 13, 2011 Document Requests served upon the Republic of Argentina in this litigation; |
| 2 | January 12, 2012 Subpoena served by Plaintiffs upon Bank of America Corporation in this litigation; |
| 3 | January 12, 2012 Subpoena served by Plaintiffs upon Bank of America, N.A. in this litigation; |
| 4 | January 12, 2012 Subpoena served by Plaintiffs upon Banc of America Securities LLC in this litigation; |
| 5 | January 12, 2012 Subpoena served by Plaintiffs upon Merrill Lynch, Pierce, Fenner & Smith Incorporated in this litigation; |
| 6 | January 12, 2012 Subpoena served by Plaintiffs upon Merrill Lynch & Co., Inc. in this litigation; |
| 7 | December 13, 2011 Subpoena served by Plaintiffs upon Barclays Bank PLC in this litigation; |

- 8 December 13, 2011 Subpoena served by Plaintiffs upon Barclays Capital Inc. in this litigation;
- 9 December 13, 2011 Subpoena served by Plaintiffs upon Banco de la Nación Argentina in this litigation;
- 10 December 13, 2011 Subpoena served by Plaintiffs upon Citibank, N.A. in this litigation;
- 11 December 13, 2011 Subpoena served by Plaintiffs upon Citigroup Inc. in this litigation;
- 12 December 13, 2011 Subpoena served by Plaintiffs upon Citicorp USA Inc. in this litigation;
- 13 December 13, 2011 Subpoena served by Plaintiffs upon Citicorp North America Inc. in this litigation;
- 14 December 13, 2011 Subpoena served by Plaintiffs upon Citigroup Global Markets Inc. in this litigation;
- 15 December 13, 2011 Subpoena served by Plaintiffs upon Deutsche Bank AG in this litigation;
- 16 December 13, 2011 Subpoena served by Plaintiffs upon Deutsche Bank Americas Holding Corp in this litigation;
- 17 December 13, 2011 Subpoena served by Plaintiffs upon Deutsche Bank Securities Inc. in this litigation;
- 18 December 13, 2011 Subpoena served by Plaintiffs upon Deutsche Bank Trust Company Americas in this litigation;
- 19 December 13, 2011 Subpoena served by Plaintiffs upon Taunus Corporation in this litigation;
- 20 January 12, 2012 Responses and Objections of the Republic of Argentina to Plaintiffs' Document Requests in this litigation;
- 21 February 16, 2012 Responses and Objections of Bank of America Corporation to Plaintiffs' Subpoena in this litigation;
- 22 February 16, 2012 Responses and Objections of Bank of America, N.A. to Plaintiffs' Subpoena in this litigation;

- 23 February 16, 2012 Responses and Objections of Merrill Lynch, Pierce, Fenner & Smith Incorporated to Plaintiffs' Subpoena in this litigation;
- 24 February 16, 2012 Responses and Objections of Merrill Lynch & Co. to Plaintiffs' Subpoena in this litigation;
- 25 January 26, 2012 Responses and Objections of Barclays Bank PLC to Plaintiffs' Subpoena in this litigation;
- 26 January 26, 2012 Responses and Objections of Barclays Capital Inc. to Plaintiffs' Subpoena in this litigation;
- 27 December 27, 2011 Letter Objections of Banco de la Nación Argentina to Plaintiffs' Subpoena in this litigation;
- 28 February 28, 2012 Responses and Supplemental Objections of Banco de la Nación Argentina to Plaintiffs' Subpoena in this litigation;
- 29 January 26, 2012 Responses and Objections of Citibank, N.A. to Plaintiffs' Subpoena in this litigation;
- 30 January 26, 2012 Responses and Objections of Citigroup Inc. to Plaintiffs' Subpoena in this litigation;
- 31 January 26, 2012 Responses and Objections of Citicorp USA Inc. to Plaintiffs' Subpoena in this litigation;
- 32 January 26, 2012 Responses and Objections of Citicorp North America Inc. to Plaintiffs' Subpoena in this litigation;
- 33 January 26, 2012 Responses and Objections of Citigroup Global Markets Inc. to Plaintiffs' Subpoena in this litigation;
- 34 January 26, 2012 Objections of Deutsche Bank AG to Plaintiffs' Subpoena in this litigation;
- 35 January 26, 2012 Objections of Deutsche Bank Americas Holding Corp. to Plaintiffs' Subpoena in this litigation;
- 36 January 26, 2012 Objections of Deutsche Bank Securities Inc. to Plaintiffs' Subpoena in this litigation;
- 37 January 26, 2012 Objections of Deutsche Bank Trust Company Americas to Plaintiffs' Subpoena in this litigation;

- 38 January 26, 2012 Objections of Taunus Corporation to Plaintiffs' Subpoena in this litigation;
- 39 January 13, 2012 Letter from Emily Stubbs to Carmine Boccuzzi;
- 40 January 30, 2012 Email from Sara Sanchez to Emily Stubbs, with accompanying attachment;
- 41 February 2, 2012 Letter from Emily Stubbs to Carmine Boccuzzi;
- 42 February 17, 2012 Letter from Carmine Boccuzzi to Emily Stubbs;
- 43 Emails between counsel for the Republic of Argentina and counsel for Plaintiffs from August 15, 2012 to August 25, 2012;
- 44 April 2, 2012 Letter from Emily Stubbs to Barry Glickman;
- 45 Emails between counsel for Bank of America Corporation and its affiliates and counsel for Plaintiffs from April 2, 2012 to August 27, 2012;
- 46 February 16, 2012 Letter from Emily Stubbs to Lance Croffoot-Suede;
- 47 February 29, 2012 Letter from Katie Ryan to Emily Stubbs;
- 48 March 6, 2012 Letter from Emily Stubbs to Katie Ryan;
- 49 April 9, 2012 Letter from Kate Ryan to Emily Stubbs;
- 50 April 20, 2012 Letter from Emily Stubbs to Lance Croffoot-Suede;
- 51 Emails between counsel for Barclays Bank PLC and Barclays Capital Inc. and counsel for Plaintiffs from April 20, 2012 to August 22, 2012;
- 52 Emails between counsel for Barclays Bank PLC and Barclays Capital Inc. and counsel for Plaintiffs from October 8, 2012 to October 9, 2012;
- 53 January 4, 2012 Letter from Emily Stubbs to Mark Sullivan;
- 54 January 9, 2012 Letter from Emily Stubbs to Mark Sullivan;
- 55 February 15, 2012 Letter from Mark Sullivan to Emily Stubbs, with accompanying attachments;
- 56 April 9, 2012 Letter from Emily Stubbs to Mark Sullivan;

- 57 May 22, 2012 Letter from Mark Sullivan to Emily Stubbs;
- 58 Emails between Mark Sullivan and counsel for Plaintiffs from May 22, 2012 to August 31, 2012;
- 59 April 11, 2012 Letter from Emily Stubbs to James Kerr, with attachment;
- 60 May 4, 2012 Email from Eric Finkelstein to James L. Kerr;
- 61 May 16, 2012 Letter from James Kerr to Emily Stubbs;
- 62 Emails between James Kerr and counsel for Plaintiffs from May 16, 2012 to May 24, 2012;
- 63 June 11, 2012 Letter from Emily Stubbs to James Kerr;
- 64 June 22, 2012 Letter from James Kerr to Emily Stubbs;
- 65 June 29, 2012 Letter from Emily Stubbs to James Kerr;
- 66 July 27, 2012 Letter from James Kerr to Emily Stubbs;
- 67 Emails between James Kerr and counsel for Plaintiffs from July 27, 2012 to August 23, 2012;
- 68 October 5, 2012 Emails between Matthew Rowland and Emily Stubbs;
- 69 October 8, 2012 Email from James Kerr to counsel for Plaintiffs;
- 70 February 14, 2012 Letter from Emily Stubbs to Philippe Zimmerman;
- 71 February 22, 2012 Email from Philippe Zimmerman to Emily Stubbs;
- 72 April 3, 2012 Letter from Emily Stubbs to Philippe Zimmerman;
- 73 Emails between Philippe Zimmerman and counsel for Plaintiffs from April 3, 2012 to August 27, 2012;
- 74 October 9, 2012 Emails between Philippe Zimmerman and counsel for Plaintiffs;
- 75 Emails among Emily Stubbs and counsel for all subpoenaed banks from September 7, 2012 to September 18, 2012;

- 76 May 29, 2009 Order, *Aurelius Capital Partners, LP v. The Republic of Argentina*, No. 07 Civ. 2715(TPG);
- 77 September 2, 2011 Order, *NML Capital Ltd. v. The Republic of Argentina*, No. 03 Civ. 8845 (TPG);
- 78 January 15, 2004 Transcript of Proceedings, *Applestein v. The Republic of Argentina*, 02 Civ. 1773 (TPG);
- 79 May 13, 2004 Transcript of Proceedings, *Applestein v. The Republic of Argentina*, 02 Civ. 1773 (TPG);
- 80 February 2, 2007 Transcript of Proceedings, *EM Ltd. v. The Republic of Argentina*, 03 Civ. 2507 (TPG);
- 81 November 7, 2007 Transcript of Proceedings, *Capital Venture Int'l v. Republic of Argentina*, 05 Civ. 4085 (TPG);
- 82 May 28, 2009 Transcript of Proceedings, *Aurelius Capital Partners, LP v. The Republic of Argentina*, No. 07 Civ. 2715(TPG);
- 83 August 30, 2011 Transcript of Proceedings, *EM Ltd. v. The Republic of Argentina*, No. 03 Civ. 8845 (TPG);
- 84 September 28, 2011 Transcript of Proceedings, *NML Capital, Ltd. v. Republic of Argentina*, No. 08 Civ 6978 (TPG);
- 85 March 10, 2010 Subpoena served upon Bank of America N.A. in *NML Capital, Ltd. v. The Republic of Argentina*, No. 03 Civ. 8845 (TPG);
- 86 June 14, 2010 Subpoena served upon Banco de la Nación Argentina in *NML Capital, Ltd. v. The Republic of Argentina*, No. 03 Civ. 8845 (TPG);
- 87 Brian T. Moynihan, Letter to Shareholders in Bank of America's 2011 Annual Report; http://media.corporate-ir.net/media_files/irol/71/71595/reports/2011/2011_ar_shareholders_ltr.pdf (last visited Oct. 4, 2012);
- 88 Barclays, About Us, <http://group.barclays.com/about-barclays/about-us#about-us> (last visited Oct. 4, 2012);
- 89 Barclays, Executing Our Strategy, <http://group.barclays.com/about-barclays/investor-relations/executing-our-strategy> (last visited Oct. 4, 2012);

- 90 Banco de la Nación Argentina, Filiales en el exterior,
http://www.bna.com.ar/pymes/py_internacionales_filiales.asp (last visited Oct. 4, 2012), with translation;
- 91 Citi, Our Mission: Enabling Progress,
http://www.citigroup.com/citi/about/mission_principles.html (last visited Oct. 4, 2012);
- 92 Deutsche Bank, Fact Sheet,
https://www.db.com/medien/en/downloads/Fact_Sheet.pdf (last visited Oct. 4, 2012);
- 93 April 3, 2009 Order, *Aurelius Capital Partners, LP v. The Republic of Argentina*, No. 07 Civ. 2715(TPG);
- 94 Emails between Barry Glickman and counsel for Plaintiffs from October 9, 2012 to October 10, 2012.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Executed in New York, NY
on this 10th day of October, 2012



Eric J. Finkelstein